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Attorney Docket No.: 27686/96200

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BOGLE & GATES

By: 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Dunmire et al.

Serial No.: 08/328,216

Filed: October 25, 1994

For: BACKFLOW PREVENTOR WITH  
ADJUSTABLE OUTFLOW  
DIRECTION

)  
) Group Art Unit: 3407

)  
) Examiner: J. Rivell

)  
) **TERMINAL DISCLAIMER**  
) (37 C.F.R. 1.321(b))  
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Assistant Commissioner for Patents  
Washington, D. C. 20231

Sir:

Petitioner, CMB Industries, is the owner of 100% interest in the instant application by Assignments recorded at Reel 6184, Frames 758-760 and Reel 6215, Frames 68-69. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 5,226,441. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the

expiration of its full statutory term as presently shortened by any terminal disclaimer. Petitioner expressly reserves and does not waive the right to extend the term of any patent granted on the above-identified application under any statute which permits such an extension of term.

For submissions on behalf of an organization (e.g. corporation, partnership, university, government agency, etc.), the attorney of record for the organization and is signing in accordance with 37 C.F.R. 1.321 (b)(1)(iv) and (c)(2).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Sept 25, 1995  
Date

Richard L. Hughes  
Signature  
Richard L. Hughes  
Reg. No. 31,264

☒ Terminal disclaimer fee under 37 C.F.R. 1.20(d) submitted with terminal disclaimer of July 24, 1995. Please charge any additional fees associated with this paper to Deposit Account No. 02-2970.

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RE: SERIAL NO. 08/328,216

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